

**UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA**

**T COM, L.L.C., HAROLD CAPRON
and PENNY CAPRON,**

PLAINTIFFS,

vs.

CASE No. 10-CV-498-CVE-FHM

**SOS TELEDATA INC., LIMAS
COMMUNICATIONS INC., DONALD
HOLLIS, MARLA HOLLIS, PEGGY
SHOPE, WALKTER SHOPE, SR.,
WALTER SHOPE, JR., RICHARD
SHOPE and JOE PERRY,**

DEFENDANTS,

**WEST AMERICAN INSURANCE
COMPANY and OHIO CASUALTY
INSURANCE COMPANY,**

GARNISHEES.

OPINION AND ORDER

Plaintiffs' Motion to Quash Deposition Notices [Dkt. 46] is before the Court for decision. Garnishees have filed a response. [Dkt. 48]. No reply has been filed.

Plaintiffs seek to quash the depositions of Harold Capron, Penny Capron, T-Com, L.L.C., and Attorney Steven Capron. Plaintiffs argue that the requested discovery is an improper attack on the state court judgment. Chief Judge Eagan considered and rejected essentially the same arguments in connection with Garnishees' Application for Leave to File Amended Answers for Ohio Casualty and West American. [Dkt. 53]. Those arguments are likewise rejected in connection with this discovery motion.

Plaintiffs also argue that the deponents have no conceivable knowledge regarding issues material to this garnishment proceeding. Garnishees have been granted permission to file amended answers including a defense of collusion, deceit and fraud by deponents. Clearly, the deponents have discoverable information under Fed.R.Civ.P. 26(b)(1).

Plaintiffs' Motion to Quash Deposition Notices [Dkt. 46] is DENIED.

SO ORDERED this 29th day of March, 2011.


FRANK H. McCARTHY
UNITED STATES MAGISTRATE JUDGE